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Thursday, October 4, 2001

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Bay City News Report

(10-04) 14:00 PST -- Attorney General Bill Lockyer announced today that civil and criminal actions have been taken against the national nursing home chain Sun Healthcare Group in connection with the deaths of two patients at a Burlingame nursing home during a June 2000 heat wave.

Lockyer said the settlement reached with Sun and approved in San Mateo County Superior Court on Wednesday marked the first time the state had prosecuted a national nursing home chain.

"As a result of this enforcement action, nearly 8,000 residents in Sun-operated nursing homes should benefit from the improved quality of care now required and agreed upon," Lockyer said. "The required changes make good business sense for nursing homes and ensure the compassionate care that elderly Californians deserve."

Sun received more than 100 citations after a state investigation into conditions at its Sunbridge Care and Rehabilitation in Burlingame during last year's major heat wave. The 275-patient facility was found to lack air conditioning and had a history of problems with poor heat dissipation and dehydration problems in patients. In addition to the deaths, six patients suffered from heat stroke or exhaustion and dehydration.

Criminal charges against the chain were settled by its California subsidiary Rose Rehabilitation Center, which entered a no contest plea to felony elder abuse charges in connection with three victims of the heat wave.

Sun settled the civil complaint by agreeing to meet state and federal regulations on quality of care, staff training and oversight, to provide annual progress reports to the state and to create a corporate level compliance committee to monitor these efforts.

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Sun sold the Burlingame facility earlier this year, and Lockyer said the new owners have agreed to make improvements, including the installation of an air conditioning system.

Sun still operates nursing homes in Alameda, Contra Costa, Marin, Mendocino, Napa, San Joaquin, Solano, Santa Cruz and Sonoma counties.

A former Los Gatos High School girls' softball coach was sentenced today in Santa Clara County Superior Court to two years in prison for having sexual relationships with four teen-age girls between 1995 and 2000.

James Todd Lafferty, 27, pleaded guilty to five felony sex charges and no contest to two additional felony sex charges on Sept. 11. Lafferty admitted to having affairs with two Los Gatos High School students and one Westmont High School student between 1998 and 2000 while he coached at the schools.

He also admitted to having a relationship with a fourth teen-age girl he met over the Internet, according to Deputy District Attorney Chuck Gillingham.

Superior Court Judge Thomas Hastings sentenced Lafferty to two years in prison. He rejected Gillingham's request to sentence Lafferty to 3 years 8 months in prison and also rejected a request by Lafferty's attorney for a county jail sentence.

"Minimum, he's got to do a little over a year," before being eligible for parole, Gillingham said.

Lafferty had been free on bail. He was remanded into custody at today's hearing in San Jose.

A suspect sought by police since the mid-September slaying of an El Sobrante man is in custody in Martinez today facing homicide charges after his arrest during a routine traffic stop.

Contra Costa County Deputy District Attorney Hal Jewett said 21-year-old Rafael Rodrigues of San Pablo is due in court on Oct. 12 to enter a plea and identify his attorney.

LANGUAGE
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Children's

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Jewett said Rodrigues was arraigned Wednesday on charges of murder in the shooting death of 27-year-old Jose Minor. Another victim suffered a gunshot wound in the arm in the incident.

Sheriff's spokesman Jimmy Lee said Pinole police arrested Rodrigues at 5:30 p.m. Monday after stopping a car in which he was a passenger. Lee said Rodrigues offered no resistance and was handed over to sheriff's deputies, who booked him into the main jail in Martinez.

He said Rodrigues was held on a parole violation until his arraignment yesterday in Contra Costa County Superior Court.

Lee said Minor was shot with a .40 caliber handgun at Minor's residence in the 4200 block of San Pablo Dam Road at about 3:15 a.m. Sept. 16 and was taken to Doctors Hospital in San Pablo, where he was pronounced dead.

U.S. Rep. Mike Honda is joining the Sikh-American community in opposing violence against Sikhs in the wake of the Sept. 11 terrorist attacks.

Honda, D-San Jose, today joined with Dr. Pritpal Singh, coordinator of the American Gurdwara Pabandhak Committee, and other Sikh leaders to unveil a resolution condemning bigotry and violence against Sikh Americans.

"I am hopeful, that with the voice of Congress, we can inform all those who would target their fellow Americans simply because of their appearance or faith, that acts of hatred and brutality will never stand and will not be tolerated," Honda said.

"In responding to this crisis, it is essential that all of us work together to promote tolerance and understanding in our own communities and learn from our history by making sure that no ethnic or religious group is singled out based upon fear or prejudice ever again."

More than 100 Republican and Democratic members of Congress have signed the resolution, which will be introduced on the House floor today.

NASA is kicking off a Web-based news series about the International Space Station for students

about the International Space Station for students today -- the first day of World Space Week.

The first Web cast can be seen live today from 11 a.m. to noon when NASA public affairs officer and mission commentator Kyle Herring of Johnson Space Center in Houston will provide an overview of the space station.

Herring says his job will be explaining things in laymen's terms.

"Basically, my job is to take a technical conversation heard by the flight controllers and astronauts and explain it in terms the public can understand," he said. "In 14-and-a-half years with NASA, I have worked 60 missions in the 'front room' of Mission Control."

The Web cast will also allow viewers to watch live video, listen to audio and interact in real time with experts on the Internet.

Susan Lee, of the NASA Quest Web site at the Ames Research Center at Moffett Field said the concept is an exciting one and allows students to participate in NASA-sponsored Internet events without pre-registering.

The United Nations named Oct. 4-10 as World Space Week in 1999 to commemorate significant events in space history, such as the Oct. 4, 1957 launch of Sputnik -- the first human-made object launched into Earth's orbit.

Today's Web cast is one of several events planned to celebrate the week. It can be viewed at quest.arc.nasa.gov/calendar.

A San Mateo County Superior Court Judge today denied a motion to dismiss charges against a Redwood City man charged with involuntary manslaughter, battery and the commission of a hate crime in connection with a fatal fight outside a bar.

Judge Stephen Hall today ruled that there was sufficient evidence for Paul Wayne King, 38, to stand trial on the charges, denying a defense motion to have them dismissed.

Defense attorney Connie O'Brien argued that there

was no actual evidence that King had ever struck the alleged victim, Brad Davis, who died of a head wound after falling to the sidewalk outside a Redwood City bar on Dec. 11, 1999, or that his purported beliefs had anything to do with Davis' death.

However, prosecutor James Wade said investigators believe King "lured" Davis outside the bar by behaving in a friendly manner before attacking him. Witness testimony presented at a preliminary hearing in February suggested that King objected to the fact that Davis, a black man, was drinking in the bar with a white woman.

Wade has indicated he plans to present photos of King's tattoos, which allegedly express white supremacist beliefs, in a jury trial.

A conviction on the charges would constitute a third "strike" for King, who was on parole for a weapons charge at the time of Davis' death and has a number of prior convictions, including theft and battery charges.

King remains in custody on \$2 million bail, and his jury trial, which has been postponed several times, is scheduled to begin on Feb. 19.

The California Union of Safety Employees today accused state mental hospital officials of failing to protect the public from institutionalized criminals, citing convicted rapist Ronald Rogers' recent escape from Atascadero State Hospital in San Luis Obispo County.

Alan Barcelona, president of the 7,000-member union representing state hospital police, charged that escapes are not just a problem at Atascadero, but at all state hospitals throughout California and the San Francisco Bay Area. He says that people living in areas surrounding the 11 state hospitals run by the state Department of Developmental Services and the Department of Mental Health are particularly at risk, including communities around Napa State Hospital, Coalinga State Hospital in Sacramento and the Vacaville Psychiatric Program.

"We have pleaded with lawmakers and officials with the Department of Developmental Services and the Department of Mental Health for adequate police

staffing and resources," Barcelona said. "Hospital police are the only sworn peace officers in California with custodial duties prohibited from using firearms. That has to change."

A call to the Department of Mental Health this morning went unreturned.

Barcelona said, "California officials are guilty of criminal negligence, and they should be embarrassed that they not only put their own citizens in harm's way, but another state's as well."

Rogers, 45, escaped from Atascadero State Hospital on Sept. 23. After more than a week on the lam, Oregon State Police took him into custody Monday on a citizen's report that a suspicious person was dying their hair in a rest area off of Interstate Highway 5 in Clackamas County.

Oregon State Police Lt. Gregg Hastings said Rogers, who allegedly gave officers a false name, was taken into custody for failure to present a drivers license. On Tuesday, fingerprint tests identified him as the California escapee wanted under a \$1 million bail warrant issued on Sept. 24.

A teacher with the Fremont Unified School District who was arrested Tuesday by Oakland police on suspicion of engaging in lewd acts with a child is scheduled to be arraigned in an Alameda County court today.

Oakland police Sgt. Kevin Wiley of the special victims unit says that the investigation against 51-year-old Michael Schoop of Pleasanton began last October, but that the allegations go back about 30 years.

Wiley said that the victim, who went to police after reading a newspaper article profiling the suspect's teaching methods, was a 12-year-old Oakland boy at the time the alleged abuse began.

Schoop was arrested as he was on his way home on Tuesday. He was also booked on suspicion of distributing child pornography.

Wiley said police have searched and recovered evidence from Schoop's home and from a boat he

has in Brentwood. Wiley also said that Schoop has allegedly made admissions that corroborate some of the allegations.

Wiley said that since reports of Schoop's arrest surfaced, several people have called up with additional allegations, which police are investigating carefully.

"We're trying to go along as slow as possible even if there are a lot of allegations," Wiley said today. "This investigation is nowhere near over."

Gov. Gray Davis today announced the appointments of several Bay Area residents to San Francisco and Alameda County Superior courts.

San Francisco Assistant District Attorney Susan Breall has been appointed to fill a new vacant position as a judge in San Francisco County Superior Court, the governor's spokesman Steve Maviglio said.

The 44-year-old city resident has been with the district attorney's office since 1984. A graduate of University of California at Berkeley and UCLA Law School, Breall is the co-chief of the San Francisco District Attorney's Criminal Division, supervising units handling domestic violence, sexual assault, elder abuse, child abduction, victim witness assistance, welfare fraud and stalking.

Berkeley resident Frank Roesch has been appointed to fill a vacancy left on the Alameda County Superior Court by the retirement of Judge Dean Beaupre, Maviglio said.

Roesch, 54, has been in private practice in Union City since 1981 and is a graduate of University of California, Berkeley and Hastings Law School in San Francisco. Maviglio said Roesch has served the court as a civil litigator, a judge pro tempore and a court-appointed arbitrator, as well as the president of the La Raza Lawyers Association of California and the State Bar's Ethnic Minority Relations Committee.

Alice Vilardi, 56, of Castro Valley has been appointed as a judge to Alameda County Superior Court to fill the vacancy created by the retirement of Judge Joseph J. Carson, Maviglio said.

Currently the managing attorney for the Office of General Counsel in the Administrative Office of the Courts, she has also served as Hayward City Attorney, general counsel to the East Bay Municipal Utility District and a Deputy Public Defender in Santa Clara County.

Vilardi is an alumna of Brown University and Boalt Hall in Berkeley.

San Francisco police said today a young man who was shot inside a club on Divisadero Street just before midnight has died.

Homicide inspectors said the victim's name is Jonathan Pulliam, a 22-year-old who was taken to San Francisco General Hospital where he was pronounced dead around 1 a.m. A nursing supervisor there said Pulliam had sustained multiple gunshot wounds.

Homicide spokesman Lt. Mike Johnson said a number of people inside the club on the 600 block of Divisadero witnessed the incident, but nobody is talking so far. He did not rule out a possible gang connection.

No arrests have been made in the case.

No one could be reached for comment today at a nightclub called The Justice League, located at 628 Divisadero, near Hayes Street. The club, which is currently presenting several performances each week, did host a show last night.

It's a banner day today for San Jose's Children's Discovery Museum as it celebrates receiving a national award.

The museum is one of three museums in the country being awarded the National Award for Museum Service from First Lady Laura Bush and the Institute of Museum and Library Sciences. The prize is the highest honor given to museums for their service to their communities.

In commemoration of the award, Children's Discovery Museum and San Jose city officials will unveil the museum's award banner this morning at the museum.

The award, which was originally supposed to be announced by the White House on Sept. 11, will instead be officially presented next week in the nation's capital.

The Children's Discovery Museum is the largest children's museum in the West and is rated among the top five children's museums in the country.

Santa Rosa police said today they have arrested a former employee of the city's Meals on Wheels Program for allegedly stealing medication from a senior's home where she once delivered meals.

Marcia Jane Williams, 48, is being held without bail in the Sonoma County Jail on a burglary charge. She is scheduled to be arraigned on Friday morning.

Police said Williams, of 145 Colgan Ave., Santa Rosa, allegedly stole Vicodin medication from a senior's residence. Police are investigating at least one other alleged theft and said there could be more victims.

Police said evidence of at least one burglary was found at Williams' home and that she was on probation for a prior conviction.

Shirlee Zane, executive director of the Meals on Wheels Program, said this morning Williams delivered meals to seniors for about a year but was terminated in early June after some seniors contacted the Council on Aging and questioned Williams' trustworthiness.

Zane said Meals on Wheels got two calls from seniors about a week ago reporting that Williams allegedly returned to their homes purporting to be a social service worker.

"She said she was there to check up and she knew the homes where the doors weren't locked," Zane said.

Zane said Meals on Wheels starting next week will require its drivers to wear photo identification badges.

The California Department of Fish and Game on Friday will recommend to the Fish and Game

Today will recommend to the Fish and Game Commission an emergency closure of all offshore rockfish and lingcod sport fisheries south of Cape Mendocino in Humboldt County.

The recommendation is being made because of high early season catches that have already reached the annual harvest limit. It will come at the commission's meeting in San Diego.

The offshore closure would be the second this year and would be lifted on Jan. 1, 2002 when new harvest limits will take effect for recreational and commercial fishermen, Fish and Game officials say.

The emergency closure is aimed at protecting bocaccio and canary rockfish, two species that generally occupy waters deeper than 20 fathoms and that have been declared overfished by the National Marine Fisheries Service.

Fish and Game officials say fishing for nearshore rockfish and associated species would continue in waters less than 20 fathoms, or 120 feet, along the mainland coast and around offshore islands and rocks.

The National Marine Fisheries Service already reduced on Monday catches by offshore commercial trawl and fixed gear fisheries.

Long-term rebuilding plans for the two species call for greatly reducing catch levels compared with recent years by all ocean fisheries, officials say.

The previous closure this year was expected to significantly limit rockfish catches by recreational fisheries, but a federal fish survey indicated that did not happen, Fish and Game officials said.

Gov. Gray Davis today signed a bill requiring car dealers to post the advertised price of a car on the vehicle itself or prominently in the showroom, in an effort to prevent cars being sold for more than their advertised price to unwary buyers.

State Sen. Jackie Speier, D-Hillsborough, who authored the bill, said existing state law prohibits dealers from selling cars for more than the advertised price, but violations have been uncovered in recent cases.

"The posting of prices is needed because the Department of Motor Vehicles doesn't have the resources to police this area of law, an area that needs to be enforced based on investigative media reports and recent settlement cases between car dealers and the district attorneys for Santa Cruz and San Mateo County," Speier said.

"In some cases, dealers were selling cars to unsuspecting consumers for \$1,000 above the advertised price," she said.

The law will take effect Jan. 1, 2002, and applies to new and used cars specifically advertised by dealers.

Richmond officials are looking for volunteers to help coordinate ceremonies surrounding the passage of the 2002 Winter Olympics torch through the city to Civic Center Plaza in January.

Richmond spokeswoman Angela Jones said Richmond High School Men's Basketball coach Ken Carter, who was named by the Salt Lake City Olympic Committee today as one of only 12 to 15 torchbearers who will carry the propylene-fueled symbol of the games, will run the last leg of the three-mile journey for Richmond's Jan. 19 ceremony.

Jones said Olympic representatives will join city and county officials at the ceremony, but everyone is invited to attend. Planned festivities include a parade of public officials, community leaders, marching bands, drill teams and other groups.

In addition, Jones said, there will be musical entertainment, food vendors and children's activities on the plaza. Along the relay route, representatives in official Olympic vehicles will hand out free soft drinks and promotional items. Coca Cola and Chevrolet are sponsoring the relay, she said.

The torch will begin its ceremonial tour Dec. 4 in Atlanta, where the flame last rested on American soil during the Summer Games in 1996.

U.S. Sen. Barbara Boxer, D-Calif., announced today that her bill authorizing the creation of a Travel and Tourism Promotion Bureau has gained

bipartisan support.

The Rediscover America Act of 2001 was introduced today and received the support of its principle co-sponsor, Sen. George Allen, R-Virginia, and Sens. Daniel Inouye, D-Hawaii, and John Kerry, D-Mass.

"Clearly our travel and tourism industry is hurting as a result of the Sept. 11 attacks with thousands of jobs and billions in revenue lost," Boxer said. "We must do all we can to shore up this vital industry before it is too late. That is why I am pleased my colleagues on both sides of the aisle have joined in supporting my bill to assist this beleaguered industry."

The bill would provide more than \$60 million to the Department of Commerce for the development and promotion of a public and private advertising campaign to encourage travel for the next two years.

"This bipartisan legislation will help give the travel and tourism industry the boost it needs by encouraging Americans to get back on the road, back in the sky, and back to enjoying all of the wonderful attractions America has to offer," the senator from Marin County said.

The travel and tourism industry provides more than one million jobs to Californians and more than 17 million jobs nationwide.

Officials of the National Park Service announced this week that Yosemite National Park has hired a Berkeley company to design and install solar roofing panels for its El Portal administrative site.

The park has called on PowerLight Corp. to make 350 panels, which are expected to produce 47 kilowatts of electricity during peak hours -- or nearly 10 percent of the building's energy demand.

Park officials say that turning to the sun for electricity will support the park's mission to preserve the setting's natural and cultural resources by reducing pollution and the demand for fossil fuels.

The installation comes under the Green Energy

Parks Program, a partnership between the Department of Energy and the Department of the Interior.

The program seeks to promote the use of renewable electricity sources at national parks.

The National Weather Service forecasts morning low clouds and fog clearing back to the ocean and becoming sunny inland in the San Francisco Bay Area.

Highs are expected from the 60s at the coast to the lower 80s in the warmest inland areas.

Afternoon and evening sea breezes are forecast at 10 to 20 mph.

Tonight, coastal low clouds, fog and drizzle are expected to spread inland.

Lows should be in the upper 40s and 50s.

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